IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

RP.No. 525 of 2007(M)

AGAINST THE JUDGEMENT/ORDER IN WPC.11885/2006

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REVIEW PETITIONER/THIRD PARTY:

THE KERALA STATE ROAD TRANSPORT
CORPORATION, TRANSPORT BHAVAN, FORT,
THIRUVANANTHAPURAM.
REPRESENTED BY ITS MANAGING DIRCTOR.

BY ADV. SRI.K.PRABHAKARAN, SC, K.S.R.T.C.

RESPONDENTS: PETITIONER AND RESPONDENTS

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1. M.A.HABEEBULLA, BAKKALAM,
NEAR BAKKALAM BUS STOP, KANUL POST,
KANNUR- 670565.

2. THE REIGIONAL TANSPORT AUTHORITY,
REPRESENTED BY ITS SECRETARY, KAZARAGODE.

3. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KAZARAGOD.

BY GOVERNMENT PLEADER SRI. L.G.SURESH BABU
SRI.A.K.ABDUL AZEEZ

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 13/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.PADMANABHAN NAIR J.

R.P No.525 of 2007
in
W.P.(C) No.11885 of 2006

Dated this the 13th day of June 2007

ORDER

Kerala State Road Transport Corporation, which is not a party in W.P.(C) 11885/2006, has filed this review petition to review the direction in the final judgment passed by me in the above said writ petition.

2. The 1st respondent in this review petition filed an application for renewal of the regular permit and thereafter filed the writ petition alleging that the renewal of the regular permit was delayed without any reason. The learned Govt. pleader on instructions submitted that the necessary endorsements could not be made on account of the fact that the concurrence of the sister R.T.A was not received. The writ petition was disposed of with a direction to consider the request of the writ petitioner as expeditiously as possible.

3. K.S.R.T.C has filed this review petition contending that it was a necessary party but not impleaded in the writ petition and suppressing the fact that the route applied for overlaps the notified scheme Payyanur-Ernakulam and private operators have no right to operate service on the route Kannur Kasargode via National Highway. The 1st respondent in this

review petition is not entitled to renewal of his regular permit. The apprehension of the review petitioner is that on the strength of the judgment passed by this Court the R.T.A is likely to allow the prayer of the writ petitioner.

4. This court only directed the R.T.A to dispose of the application filed before him by the review petitioner. The merits of the request was not considered and no direction issued on that behalf. If as a matter of fact the request is illegal the same cannot be allowed on the strength of the judgment of this court in the writ petition. It is open to the R.T.A. to consider the request and pass appropriate orders in accordance with law. If the R.T.A had already disposed of the application and the review petitioner is aggrieved by that order the review petitioner can challenge that order before the appropriate forum.

In the result the review petition is disposed of.

sd/-

K.PADMANABHAN NAIR,JUDGE

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